

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ANASTASIOS (TOMMY) KALOMIRIS,	:	CIVIL ACTION NO. 1:08-CV-0539
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
THE MONROE COUNTY SYNDICATE, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 5th day of June, 2008, upon consideration of plaintiff's motion for entry of default and default judgment (Doc. 29) against defendants Jenna Fiorentino, Jennifer Ford, Charles Hazen, and Jodi Hazen (hereinafter "the non-responsive defendants") pursuant to Rule 55(a) and (b) of the Federal Rules of Civil Procedure because defendants have failed to respond to the complaint within the period prescribed by Rule 12(a)(1)(A)(i), and it appearing that entry of default judgment is disfavored because the judicial process encourages resolution of disputes on the merits, see Culver v. U.S. Dep't of Labor, 248 F. App'x 403, 408 (3d Cir. 2007), and that the court may grant a defendant additional time in which to plead or otherwise defend an action, see Chocallo v. I.R.S. Dep't of Treasury, 145 F. App'x 746, 747 (3d Cir. 2005) (quoting Orange Theatre Corp. v. Rayherstz Amusement Corp., 139 F.2d 871, 872 (3d Cir. 1944)) ("A District Court has 'ample power, in its discretion, to extend the time for serving a motion or answer.'"), and the court concluding that plaintiff will suffer no prejudice if the period within which the non-responsive defendants may plead or otherwise defend is extended because

the instant matter remains in the preliminary stages of litigation, it is hereby

ORDERED that:

1. The period within which the non-responsive defendants may respond to the complaint is **EXTENDED** until July 18, 2008.
2. The motion for entry of default and default judgment (Doc. 29) is **DENIED** without prejudice to re-file it if the non-responsive defendants fail to plead or otherwise defend against the complaint within the time period set forth in the preceding paragraph. Upon the filing of any renewed motion, the court may enter default or take other action as it deems appropriate.
3. The Clerk of Court is instructed to refrain from entering default in the above-captioned matter.
4. The Clerk of Court is instructed to serve a copy of this order on each of the non-responsive defendants via certified mail at the addresses where plaintiff served the complaint.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge